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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TRAN, TONGOC

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/575,864

Applicant(s)

INADATE, TOSHIO

Examiner

Tongoc Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 7, 13-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7 and 13-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to Applicant's amendment filed on December 23, 2005. Claims 1 and 7 have been amended. Claims 2-6 and 8-12 have been previously canceled. Claims 13-26 are newly added. Claims 1, 7 and 13-26 are pending.

#### ***Response to Arguments***

2. Applicant's arguments with respect to amended claims 1 and 7 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7 and 13-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 5,794,207, ['207]) and Ojha et al. (U.S. Patent No. 6,598,026, hereinafter Ojha) in view of Walker et al. (U.S. 5,862,223, hereinafter Walker ['223]).

Walker ['207] discloses an information processing apparatus connected to a plurality of information terminal by way of a network comprising:

Storing means for storing user information;

Authenticating means for authenticating a user (see col. 8, lines 64-col. 9, line 5, storing means-buyer database, authentication means – authenticates the buyer's identification);

Recording means for recording a request information transmitted by a first user authenticated by said authenticating means; wherein said first user is a customer and said request information is a request for an offer to sell goods matching the request to said customer (see col. 8, line 42-col. 9, line 16, recording means-buyer create conditional purchase offer, a description of the goods he wishes to obtain) ;

Supplying means for supplying a service list of said request information recorded by said recording means to a second user authenticated by said authenticating means in response to a demand entered from said second user (see col. 9, lines 10-16, supplying means for supplying a service list-a seller could log onto a website...see a listing of CPO subject categories);

Said recording means recording service information transmitted by said second user in response to the request information in said service list; wherein said second user is a shop and said service information is said offer (see col. 9, lines 17-30 and lines 45-50, recording means recording service information transmitted by the second user-if, after viewing...the seller communicates his intend, col. 9, lines 17-18). Walker ['207] does not disclose the request from the buyer is non-bidding. However, Ojha discloses user submitting non-bidding bidding request for interested product (see col. 3, lines 22-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of non-bidding request taught by Ojha with

Walker ['207]'s customer submitting bidding request in order that buyers would be getting the product they want for the price they are willing to pay while sellers would be effecting a greater number of sales due to their ability to engage in price discrimination (see Walker ['207], col. 2, lines 10-25).

Walker ['207] does not disclose but Walker ['223] discloses searching means for searching for service information corresponding to said request information and said user information of said second user recorded by said recording means, in response to a demand for a request list from said first user, transferring means for transferring said request list to said first user, wherein said transferring means transfers said service information corresponding to said request information as a search result to said first user (see Walker ['223], col. 7, lines 30-35, line 67-col. 8, line 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the searching means of Walker's ['223] to enable the buyer to search for the service information rather than having the buyer notified by the server taught by Walker "207] for the benefit of providing the buyer, if he or she chooses, to visit the website to check for the response of the offer.

In respect to claim 7, the claimed limitation is a method claim that is substantially similar to the apparatus claim 1. Therefore, claim 7 is rejected based on the similar rationale.

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In respect to claim 13, Walker ['207], Ojha and Walker ['223] disclose the information processing apparatus according to claim 1, wherein the searching means allows a customer to search request information submitted by other customers (see Ojha, col. 4, lines 28-48).

In respect to claim 14, Walker ['207], Ojha and Walker ['223] disclose the information processing apparatus according to claim 1, wherein the customer can purchase goods using request information from other customers (see Ojha, col. 4, lines 28-48).

In respect to claim 15, Walker ['207], Ojha and Walker ['223] disclose the information processing apparatus according to claim 1, wherein the user information includes a user ID, a password, and an electronic mail address (see Walker ['207], col. 13, lines 2-3).

In respect to claim 16, Walker ['207], Ojha and Walker disclose the information processing apparatus according to claim 1, wherein the authenticating means uses the user information stored in the storing means to authenticate the user (see Walker ['207], col. 13, lines 2-3).

In respect to claim 17, Walker ['207], Ojha and Walker ['223] disclose the information processing apparatus according to claim 1, wherein the service information

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given to a customer includes a direct link to the seller's services information given a customer includes a direct link to the seller's service information (see Ojha, col. 4, lines 15-27).

In respect to claim 18, Walker ['207], Ojha and Walker ['223] disclose the information processing apparatus according to claim 1, wherein the transferring means transfers search results, including service information, to the corresponding request information (see Ojha, col. 4, lines 15-27).

In respect to claim 19, Walker ['207], Ojha, and Walker ['223] disclose the information processing apparatus according to claim 1, wherein the transferring means transfers search results, including service information, to the customer using electronic mail, see Ojha, col. 15, lines 16-20).

In respect to claims 20-26, the claimed limitations are method claims that are similar to apparatus claims 13-19. Therefore, claims 20-26 are rejected based on the similar rationale.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-3962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Examiner: Tongoc Tran  
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March 27, 2006



Jaque Lai